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U.S. BANKRUPTCY COURT
PATRICIA GRAY, CLERK

cc: val
David Rankine Bar#5099
12 W. Taylor St.
Reno, Nv 89509
(775) 329-6400

Attorney for Shawnda Terrell

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA, AT RENO

IN RE:

SHAWNDA TERRELL

Case No. 06-50638

Chapter 7

Debtor

SHAWNDA TERRELL

Adv.

Plaintiff /Debtor

ADVERSARY COMPLAINT

Hearing Date: N/A

v.

ACS EDUCATION SERVICES, INC and
SALLIE MAE, INC.

Defendants / Creditors

Comes now Shawnda Terrell, Plaintiff herein, through counsel,
the Law Office of David Rankine, and for her complaint alleges as
follows:

1) This Adversary Proceeding arises out of Plaintiffs, Shawnda

Terrell's Chapter Seven case 06-50638.

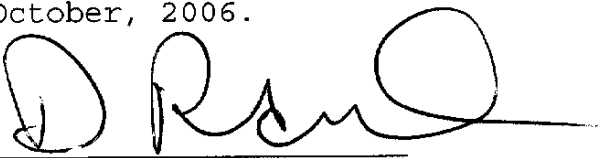
- 2) The court has jurisdiction over this matter pursuant to 28 USC §1334, 11 USC §§ 523. This matter is a core proceeding pursuant to 28 USC §157.
- 3) Sallie Mae Inc. and ACS Education Services, Inc. are creditors in this proceeding. Each holds the right to collect for educational loans made to Shawnda Terrill. A non exclusive list of the educational loans is attached hereto as ex A.
- 4) Shawnda Terrill is permanently disabled. Her sole source of income is a social security disability check in the amount of \$1065 monthly.
- 5) That repayment of the student loans held by the defendants would cause plaintiff an undue hardship.
- 7) That the debt to each defendant should be discharged in her chapter 7 proceeding pursuant to 11 USC §523(a)(8).

WHEREFORE Plaintiff prays for relief as follows.

- 1) For a determination that any liability of Plaintiff to the Defendants for all education loans is discharged in her chapter seven proceeding.
- 2) For an award of costs and fees for this adversary proceeding.
- 3) For such other relief as the court may deem just and proper.

Dated this 25th day of October, 2006.

By



David Rankine

Read the instructions before completing this section. List all education loans you want to consolidate, including loans currently held by the lender that will be consolidating your loans. Use the Loan Codes listed in the instructions. If you need to list additional loans, use the Additional Loan Listing Sheet included in this package. Include your spouse's loans only if Section B has been completed. **ONLY LIST LOANS THAT YOU WANT TO CONSOLIDATE IN THIS SECTION.**

26. **Grace Period End Date** – If any of the loans that you have selected for consolidation are in a grace period and you wish to delay processing until you have completed your grace period, enter your expected grace period end date. If you do not wish to delay processing, leave this field blank. (Month/Year) _____

A C S®

Page 1 of 1

Any correspondence other than payments should be sent to the address listed on the back of this statement.

07/23/06

ACCOUNT INFORMATION

(This statement may not include all accounts)

Activity Through:

ACCOUNT NUMBER	LOAN TYPE	PRINCIPAL BALANCE OUTSTANDING	INTEREST RATE	LAST PAID AMOUNT/DATE	DAYS DELINQUENT	PAST DUE	CURRENT DUE	LATE CHARGE	TOTAL DUE
XXX-XX-1080-1 *	FSL	2,382.15	7.140	0.00 00/00/00	9	50.00	50.00	0.00	100.00

IMPORTANT INFORMATION IS INCLUDED ON THE BACK

TOTAL DUE BY: NOW 100.00

IMPORTANT MESSAGE - PLEASE READ

Our records show that your last payment has not been received.

If you have already made your payment, thank you.

If you have not made your payment, please send the past due amount and the current due amount shown above immediately. Please mail your payment with the bottom portion of this bill in the enclosed envelope.

If you are experiencing difficulty in making payment(s), please refer to the back of this form for payment options or contact us at 1-800-835-4611 for additional assistance.

In accordance with the terms of your loan(s), your variable interest rate has changed as indicated above which may effect your monthly payment amount.

2XEdvantage Countdown: You need to make only 48 more on-time payments to qualify for a 2 percentage point interest rate reduction on your eligible loan(s).

A copy of this notice has been sent to any co-makers and/or co-signers of this loan.

To pay the above loan in full, please pay \$2,408.64 by 08/14/06

BIL2

DETACH HERE AND RETURN LOWER PORTION WITH YOUR PAYMENT

Address or Phone Number change?
Check box and write your new address
and/or phone number on back. ☐

BIL2



P.O. BOX 7051
UTICA, NY 13504-7051

Account Number M3344A XXX-XX-1080-1	
Payment Due Date NOW	Please Pay This Amount 100.00
ACS	

Make Check
Payable to

TERRELL, SHAWNDA R
-
4959 TALBOT LN APT 81
RENO, NV 89509-6512

011800

P.O. BOX 9001560
LOUISVILLE, KY 40290-1560



Amount Paid

423033441155669110801900100004

* Include the coupon and make sure the address appears properly through the return envelope window.

* Do not send cash
* Write account number on your check

BL032A

FORM 104 (10/06)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS SHAWNDA TERRELL	DEFENDANTS SALLIE MAE ACS EDUCATION SERVICE			
ATTORNEYS (Firm Name, Address, and Telephone No.) DAVID RANKINE 12 TAYLOR ST KENOSHA 53140	ATTORNEYS (If Known)			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 50%;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: right;">(continued next column)</div> </td> <td style="vertical-align: top; width: 50%;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – reinstatement of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: right;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input checked="" type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – reinstatement of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23		
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$		
Other Relief Sought <div style="text-align: center; font-size: 1.2em;">DISCHARGE STUDENT LOAN</div>				

FORM 104 (10/06), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES			
NAME OF DEBTOR SHAWANDA TERRELL		BANKRUPTCY CASE NO. 06-50638	
DISTRICT IN WHICH CASE IS PENDING RENO NV	DIVISIONAL OFFICE		NAME OF JUDGE ZIVE
RELATED ADVERSARY PROCEEDING (IF ANY)			
PLAINTIFF	DEFENDANT		ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE		NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)			
DATE	PRINT NAME OF ATTORNEY (OR PLAINTIFF)		

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and the defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and in the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.